

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL BUXBAUM,

Plaintiff,

-against-

ZILLOW GROUP, INC.,

Defendant.

25-CV-0225 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action against Defendant Zillow Group, Inc. Plaintiff contends that Defendant refuses to list four properties for sale by owner.¹ The Court dismisses the complaint without prejudice for the following reasons.

Plaintiff has previously submitted to this court a substantially similar complaint. That case is presently pending in this court as *Buxbaum v. Zillow, Inc.*, 24-CV-10054-LTS. In the earlier action, Plaintiff contends that he was unable to list the same four properties for sale by owner with Zillow.² That action cannot proceed until Plaintiff pays the filing fees or submits an application to proceed *in forma pauperis*. As this new complaint raises the same claims already raised in *Buxbaum*, 24-CV-10054, no useful purpose would be served by litigating this duplicate lawsuit.³

¹ The properties are described in the complaint, 25-CV-0225, 1, as: (1) 27A Heritage Drive, New City, NY 10956; (2) 198 Monitor Street, Apt 2A, Brooklyn, NY 11222; (3) 19 Braemar Court, New City, NY 10956; and (4) 214 Foltim Way, Congers, NY 10920.

² The properties are described in the complaint, 24-CV-10054, 1, as: (1) 27A Heritage Drive, New City, NY 10956; (2) 198 Monitor Street, Apt 2A, Congers, NY 10920; (3) 19 Braemar Court, New City, NY 10956; and (4) 214 Foltim Way, Congers, NY 10920.

³ The earlier action is against Defendant Zillow, Inc., and the new action is against Defendant Zillow Group, Inc. If Plaintiff needs to add or substitute a defendant, he can, to the extent consistent with Rule 15 of the Federal Rules of Civil Procedure, do so by filing an amended complaint in *Buxbaum*, 24-CV-10054, rather than bringing a new action.

Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 24-CV-10054 (LTS).

CONCLUSION

Plaintiff's complaint is dismissed without prejudice as duplicative of the pending case under docket number 24-CV-10054 (LTS).

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: January 13, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge